

1897-045 Chancery Causes: Elizabeth A. Orr vs. J. C. Reason to
Lee Co.

Flanary, Weston

CA-Debt
T-Property

-Deed

17
Virginia:

In the Circuit Court
of Lee County.

To the Hon. W. F. Miller, Judge of the Circuit ^{Court} of
said County.

Jam. Oratrix Elizabeth A. Orr
humbly complaining shows unto
the Court that an Execution issued from
the Clerk's Office of the Circuit Court of said County
and State on the 20th day of Jan'y 1897, in
favor of J. H. Reason, Administrator,
of Peter Reason, deceased, against,
H. L. Hawary Deputy Sheriff, for
W. T. Weston Sheriff of Lee County,
and R. E. Little, John W. Scott,
Wm A. Orr, A. J. Thompson,
E. L. Hawary and H. C. Jesse for the
sum of \$117.27 and fifteen pcts
and pcts annu from
Mar. 13 1896 till paid and \$9.13
Costs. and made returnable
to the first Mar. Rules 1897,
which Execution was placed in the hands
of Jas. M. Weston Deputy Sheriff
for W. T. Weston, Sheriff of Lee Co. To
for collection. And which was by
him on the 21st day of Jan'y 1897 levied
on one double barreled brack
loading shot-gun, and on one
Man's saddle as the property
of Wm A. Orr. A copy of which
Ex. and the endorsement thereon

is ~~here~~ ^{now} filed "^{marked} Execution" and
is prayed to be taken and considered
as a part of this Bill.

Jam Bratton will now
state that the said Deputy
Sheriff in order to carry out
the requirements of said
Execution and Levy did
on the 27th day of June 1897
advertise that he would sell
said property at ~~Jagersville~~
Lee County Va. on the 15th day
of June 1897 to the highest bidder
for cash in hand to satisfy
said execution; that afterward
the said Deputy Sheriff endorsed
at the bottom of said notice
the following postponement
of said sale: "This sale postponed
till 15th day of Mar. 1897."

A true copy of said post-
ponement and said notice
is ~~here~~ ^{now} filed ^{marked} "notice"
and is prayed to be taken and
considered as part of this
Bill.

Jam Bratton will now state
that she intermarried with
the said W. A. Morris on the 1st
day of Nov. 1894 that soon there-
after her grandfather Jas.

after her grandfather's death.

Hannary departed this life and left to his heirs and distributees a handsome real and personal estate. That, inasmuch as her father Thos. F. Hannary was then dead she was one of said heirs and distributees. And as such became possessed of a separate estate amounting to more than \$120.00 which sum I paid to my said husband for said property levied on and for other property not necessary to detail in this Bill.

Your Oratrix will now state that ^{at} the time the said Deputy Sheriff levied upon, took possession of, ^{and} carried away said property (all of which he did do) your Oratrix informed him that said property was hers and was not the property of the said Mrs. Hannary that the said Deputy Sheriff seized and carried away said property without her consent and against her protest.

Your Oratrix will now state that the said property levied on by said Deputy is of the

value of \$35.00 and it also has
a memento value; the saddle being
one that belonged to her father
in law, ~~the~~ late John P. Orr, dead,
and the gun having been pre-
sented by him to her said
husband; has such memento value.

Jessie Ostris will now
state that soon after said
levy, ^{she} issued out her warrant
in Detainer against M. P.
Morton Shrigg & seeking to
recover the property therein
named. That said warrant
was tried before R. M. Orr a
Justice of the Peace of this
County and judgment rendered
in her favor. Whereupon the Deft.
appealed said case to the County Court
of this County where the same is now
pending; that before a trial can be
had of said case according to
the terms of the advertisement here
in mentioned the property which she
values so highly and desires to have
restored to her in kind will
be sold away from her.

Inasmuch as the next
term of the County Court
for the County of Lee will
not begin until the 15th

For the County of Lee will
not begin until the 15th day

5)

day of Mar. 1847. which is
the day fixed by the said
Deputy Sheriff for the sale
of said property. Besides
your Oratrix is now
advised by her counsel
that the said action of
Detinue is not her proper
remedy against the officer
leaving such process, but
that her remedy is, at her
election either in Chancery
or by petition upon
giving to said officers a sus-
pending bond. She now
states that she elects to sue
in Chancery and thereby
abandons the said suit
in Detinue.

The prayer of your Oratrix
is, the premises considered,
that the said Deputy Sheriff Jas.
M. Weston and J. G. Pearson, ^{do} should
be enjoined and forever in-
hibited from selling the prop-
erty herein described, and
that upon a final hearing
of the cause they be decreed
to place her in possession
of said property by restoring
it to her, and that they be
required to pay to her

such damages as she has
sustained by reason of
the seizure and detention
of said property and that
they be required to pay to
her or satisfy the costs
of this suit - expended
by her; that to this end
she prays that J. H. Mason
admr. &c. J. M. Weston Deputy
Sheriff for W. T. Weston Sheriff
of Lu Co. and Wm. A. Orr, Jr.
be made parties defen-
dant to this bill and
that they be required to
answer the same upon
oath; that general relief be
granted her and as in
duty bound your orator
will ever pray. May the
Commonwealth's writ of Habeas
issue &c., directed &c.

Wm. A. Orr, Jr. } atty
G. W. Blountship } for Plff.

Virginia: Lu County, to-wit.

I, Wm. A. Orr, Jr., a notary Public in and for
Lu County, Va, do hereby certify that Elizabeth
A. Orr plaintiff in the foregoing bill appeared before
me in my County and made oath that the said
bill is true so far as the same depends on her
knowledge and she believes the rest of it true.
March 5th 1897.

W. A. Orr, Jr. N. P.

Notice

"Notice"

That at Jounsaville, Lee County Va
on the 15th day of July 1897 I
will offer for sale to the highest-
bidder for cash in hand the
following property to wit:-

One double barreled
break loading shot gun;

One man's saddle, provided
on by me as the property
of W. A. D. R. to satisfy an
Execution in my hands
in favor of J. G. Pearson, admr.
vs. W. L. H. H. H. et. als.

This July 27th. 1897

Geo. M. Weston D.S.
for W. P. Weston S.L.C.

This sale postponed till 15th
day of Mar. 1897.

Notice

of
Sale under Execution
of

"Notice"

Elizabeth A. Orr

vs Bill Injunction

J. G. Reason et al

Orr & Blankenship } atty.
Wm A. Orr Sr

To the Hon. W. J. Miller, Judge of the
Circuit Court of Lee County, Virginia.
The Separate Answer & disclaimer
of J. M. Weston, a deputy sheriff,
to a Bill filed in this Hon. Court,
against him & others by Elizabeth A
Orr.

Respondent says the plaintiff's
Bill is not good & sufficient in law
& of this he prays judgement of this Court.

But further answering, he says,
it is true that he is the deputy of
W. P. Weston sheriff of Lee County, VA,
and as such had in his hands the
fi fa referred to for collection. And
tho he had the same advertised for
the March ~~of~~ term of the
County Court & has postponed the
sale till the March term of said
Court, but that was done under
the supposition that the case would
be tried on the appeal at that term
(March term) and no sale would have
been made until the appeal was
settled and this the plff well
understood.

This Respondent is informed
and believes it to be true that the
property levied upon is the property
of W. A. Orr Jr, the husband of the
plaintiff & her claim thereto is a
mere shallow pretence & fraudulent.
He denies that the plaintiff informed him
that said property was hers, ~~that it was~~

when he first levied on it & carried it away, but waited till the next day to do so & as he believes had a conversation with her said husband about it.

~~The~~ The first execution that issued on the judgement complained of that went into your Respondent's hands was on the 18th day of Nov 1896 & was from thence a lien upon all personal property of the execution creditor, W. A. Orr Jr even when returned to the office as he is advised.

The deed of the said husband to his wife, for certain estate therein mentioned, is void as your Respondent is advised being without a valid consideration, a copy of which is filed herewith as a part hereof marked "Deed".

If said deed conveys said Gun & saddle it is strange that the plaintiff's husband & atty should deem a deed for personal property necessary. Such a precaution is of itself suspicious of fraud. And the articles claimed as souvenirs ~~are~~ ^{are} rather peculiar for a lady, "a double barrel - shot gun", but as she had the gun the necessity for the man's saddle followed as a matter of course. This Respondent would state that when he learned that the plaintiff claimed the property he required an indemnifying bond to be given him before he

would sell & no sale would have
been made without it, but it was
not really given until Jan 25th/1897
filed this day. After which this
respondent is advised that he is no
longer liable, nor can the plaintiff
after that sue him, but she must
proceed on said bond.

This Respondent is advised that
if it be that the law is as the
plaintiff asserts, which he does
not admit, that she has the right
to proceed at law or in equity, that
having made her choice, & brought
her action of detinue, she cannot
now abandon that choice & choose
again.

Virginia Lee County, to wit,
I, D. F. Sewell a Notary Public for the
County aforesaid in the State of Virginia
do certify that J. M. Weston, defendant,
appeared before me in my County aforesaid
made oath that the statements made
in the above answer as far as made
upon his own knowledge are true & so
far as made on the information derived
from others he believes them to be
true Given under my hand this 28th
8th/1897.

D. F. Sewell N.P.

Elizabeth A. Dr

vs } answer -

J. M. Weston & Son

Filed March 9th 1897

A. B. Munsey Clerk

Elizabeth A. Orr vs J. G. Reasor et al Defts

against

J. G. Reasor et al Defts

In Chy.

On motion of the plaintiff who this day exhibited her Bill in open Court praying an injunction to restrain the sale of certain property in the Bill mentioned & on the motion of the defendant J. M. Weston Deputy Sheriff leave is granted him to file his demurrer & answer & exhibits therewith & thereupon this cause came on to be heard upon the Bill of the Plaintiff and ^{the demurrer &} answer thereto & was argued by counsel.

On consideration whereof it appearing to the Court by said Bill that the plaintiff had resorted to a Court of law to enforce her rights the Court is therefore of opinion & doth adjudge, order & decree that ^{the} demurrer to the said Bill be & the same is hereby sustained, that the plaintiff's Bill be & is hereby dismissed & that the defendant J. M. Weston recover his costs.

Elizabeth A. Allen

vs } Deane final

J. G. Pearson et al

Mich 4. 1897.

Eu. C. O. B. p. 567.

Enter this
M. J. M.
Mich 10 4/897.

B B 3 3
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This deed made the 27th day of May
in the year 1895, between W. A. Orr Jr and
Elizabeth A. Orr. Witnesseth: - That
for and in consideration of Love and
Affection and the sum of One dollar
(\$1.00) in hand paid, the receipt whereof
is hereby acknowledged the said W. A. Orr
Jr doth grant, unto the said Elizabeth A.
Orr with general warranty, all this, the
said W. A. Orr Jr's undivided interest ⁱⁿ and
to the Estate of John P. Orr and P. C. Orr, his
wife both deceased, and all other interest
of whatever kind or description which does
or may belong in any way whatever to the
said W. A. Orr Jr. To have and to hold
the same, together with all the appurtenances
thereunto belonging unto the said Elizabeth
A. Orr. And from the rents issues and
profits, or from the proceeds of the sale of
the said undivided (or divided interests)
of said Estate the said Elizabeth A. Orr
shall Comfortably maintain and liber-
ally educate any issue that may be
born unto the parties to this instrument.
Witness my hand and seal the day and
year above written

W. A. Orr Jr Seal

County of Lee to wit:

J. H. M. Parsons a Justice of Peace
for the County aforesaid, in the State of
Virginia, do Certify that W. A. Carr Jr
whose name is signed to the writing above
bearing date on the 27th day of May
1895, has acknowledged the same before
me, in my County aforesaid. Given
under my hand, this 28th day of May
1895.

J. M. Parsons Jr.

Virginia Lee County to wit:

In the office of the Clerk of the County
Court of the said County the 17th day of
August 1896, this deed was presented
and, together with the Certificate thereto
Annexed, admitted to record.

Teste: J. V. F. Richmond Clerk

A Copy -

Teste: J. V. F. Richmond Clerk

Elizabeth A. Carr
From Copy of Deed
W. A. Carr Jr

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"Deed"